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8 IN RE: SOCIAL MEDIA ADOLESCENT  
9 ADDICTION/PERSONAL INJURY  
10 PRODUCTS LIABILITY LITIGATION  
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Case No. [22-md-03047-YGR](#) (PHK)

**ORDER GRANTING-IN-PART AND  
DENYING-IN-PART THE  
BELLWETHER SCHOOL DISTRICTS'  
MOTION TO COMPEL WITH  
REGARD TO THEIR REQUESTS FOR  
PRODUCTION (SET A) AS TO META**

13 Re: Dkt. 1314  
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This MDL has been referred to the undersigned for discovery purposes. *See* Dkt. 426. Now pending before the Court is a joint letter brief regarding a dispute between the School District (“SD”) Plaintiffs and Meta regarding the MDL Bellwether SD Plaintiffs’ Requests for Production (“RFP”) Set A. [Dkt. 1314]. The Court finds the dispute suitable for resolution without oral argument. *See* Civil L.R. 7-1(b).

#### 20 **LEGAL STANDARD**

21 Federal Rule of Civil Procedure 26(b)(1) delineates the scope of discovery in federal civil  
22 actions and provides that “[p]arties may obtain discovery regarding any nonprivileged matter that  
23 is relevant to any party's claim or defense and proportional to the needs of the case.” Information  
24 need not be admissible to be discoverable. *Id.* Relevancy for purposes of discovery is broadly  
25 defined to encompass “any matter that bears on, or that reasonably could lead to other matter that  
26 could bear on, any issue that is or may be in the case.” *In re Williams-Sonoma, Inc.*, 947 F.3d 535,  
27 539 (9th Cir. 2020) (quoting *Oppenheimer Fund, Inc. v. Sanders*, 437 U.S. 340, 350-51 (1978));  
28 *see also In re Facebook, Inc. Consumer Privacy User Profile Litig.*, No. 18-MD-2843 VC (JSC),

1 2021 WL 10282215, at \*4 (N.D. Cal. Sept. 29, 2021) (“Courts generally recognize that relevancy  
2 for purposes of discovery is broader than relevancy for purposes of trial.”) (alteration omitted).

3 While the scope of relevance is broad, discovery is not unlimited. *ATS Prods., Inc. v.*  
4 *Champion Fiberglass, Inc.*, 309 F.R.D. 527, 531 (N.D. Cal. 2015) (“Relevancy, for the purposes  
5 of discovery, is defined broadly, although it is not without ultimate and necessary boundaries.”).  
6 Information, even if relevant, must be “proportional to the needs of the case” to fall within the  
7 scope of permissible discovery. Fed. R. Civ. P. 26(b)(1). The 2015 amendments to Rule 26(b)(1)  
8 emphasize the need to impose reasonable limits on discovery through increased reliance on the  
9 common-sense concept of proportionality: “The objective is to guard against redundant or  
10 disproportionate discovery by giving the court authority to reduce the amount of discovery that  
11 may be directed to matters that are otherwise proper subjects of inquiry. The [proportionality  
12 requirement] is intended to encourage judges to be more aggressive in identifying and  
13 discouraging discovery overuse.” Fed. R. Civ. P. 26 advisory committee’s note to 2015  
14 amendment. In evaluating the proportionality of a discovery request, a court should consider “the  
15 importance of the issues at stake in the action, the amount in controversy, the parties’ relative  
16 access to the information, the parties’ resources, the importance of the discovery in resolving the  
17 issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit.”  
18 Fed. R. Civ. P. 26(b)(1).

19 The party seeking discovery bears the burden of establishing that its request satisfies the  
20 relevancy requirements under Rule 26(b)(1). *La. Pac. Corp. v. Money Mkt. I Inst. Inv. Dealer*,  
21 285 F.R.D. 481, 485 (N.D. Cal. 2012). The resisting party, in turn, has the burden to show that the  
22 discovery should not be allowed. *Id.* The resisting party must specifically explain the reasons  
23 why the request at issue is objectionable and may not rely on boilerplate, conclusory, or  
24 speculative arguments. *Id.*; *see also Blankenship v. Hearst Corp.*, 519 F.2d 418, 429 (9th Cir.  
25 1975) (“Under the liberal discovery principles of the Federal Rules defendants were required to  
26 carry a heavy burden of showing why discovery was denied.”).

27 The Court has broad discretion and authority to manage discovery. *U.S. Fidelity & Guar.*  
28 *Co. v. Lee Inv. LLC*, 641 F.3d 1126, 1136 n.10 (9th Cir. 2011) (“District courts have wide latitude

1 in controlling discovery, and their rulings will not be overturned in the absence of a clear abuse of  
2 discretion.”); *Laub v. U.S. Dep’t of Int.*, 342 F.3d 1080, 1093 (9th Cir. 2003). As part of its  
3 inherent discretion and authority, the Court has broad discretion in determining relevancy for  
4 discovery purposes. *Survivor Media, Inc. v. Survivor Prods.*, 406 F.3d 625, 635 (9th Cir. 2005)  
5 (citing *Hallett v. Morgan*, 296 F.3d 732, 751 (9th Cir. 2002)). The Court’s discretion extends to  
6 crafting discovery orders that may expand, limit, or differ from the relief requested. *See*  
7 *Crawford-El v. Britton*, 523 U.S. 574, 598 (1998) (holding trial courts have “broad discretion to  
8 tailor discovery narrowly and to dictate the sequence of discovery”). For example, the Court may  
9 limit the scope of any discovery method if it determines that “the discovery sought is unreasonably  
10 cumulative or duplicative, or can be obtained from some other source that is more convenient, less  
11 burdensome, or less expensive.” Fed. R. Civ. P. 26(b)(2)(C)(i).

## 12 ANALYSIS

13 The present dispute concerns Meta’s responses to the MDL Bellwether SD Plaintiffs’ Set  
14 A RFPs. The SD Plaintiffs served Set A on July 2, 2024, after this Court granted the MDL  
15 Plaintiffs leave at the June 20, 2024 Discovery Management Conference (“DMC”) to propound  
16 one set of bellwether-specific RFPs on Meta directed at discrete discovery issues for those MDL  
17 school district bellwether cases. *See* Dkt. 969 at 3. The SD Plaintiffs complain that Meta has  
18 refused to identify relevant custodians for these bellwether-specific RFPs or to add any search  
19 terms or custodians beyond those already agreed to in response to earlier discovery requests served  
20 prior to July 2, 2024. [Dkt. 1314 at 8]. The SD Plaintiffs argue that Meta’s attempt to limit  
21 custodians to those finalized on May 3, 2024 and to limit search terms to those finalized on June  
22 26, 2024 is “unjustified,” given that the initial bellwether selections were not even fully identified  
23 until May 17, 2024, and this Court granted the MDL Plaintiffs leave to serve bellwether-specific  
24 discovery only on June 20, 2024. *Id.*

25 The SD Plaintiffs argue that the proposed bellwether-specific search terms—comprising a  
26 total of twelve additional text strings (one for each MDL Bellwether SD Plaintiff)—are narrowly  
27 tailored to “nothing more than the name of each bellwether school district and its associated  
28 URL.” *Id.* They argue that the discovery sought is “highly relevant” to the individual bellwether

1 school district cases. *Id.* at 9. Stressing that the Set A RFPs were served on Meta “well before”  
2 the substantial completion deadline, the SD Plaintiffs argue that Meta should not be allowed “to  
3 run out the clock through its months-long refusal to perform an adequate search for responsive  
4 documents.” *Id.* at 10.

5 Meta, in its portion of the joint letter brief, argues that the Parties’ counsel (including  
6 counsel for the MDL Bellwether SD Plaintiffs) reached “global, final agreements” as to custodians  
7 and search terms, respectively on May 3, 2024 and June 26, 2024. *Id.* Meta contends that because  
8 all MDL Plaintiffs’ “interests” were “fully represented” during the negotiations leading up to these  
9 “global, final agreements,” the SD Plaintiffs should not be allowed to now “reopen those  
10 negotiations, on the eve of substantial completion, to add an unspecified number of additional,  
11 unnamed custodians, and a dozen new search strings[.]” *Id.* at 10-11. In addition, Meta argues  
12 that the SD Plaintiffs’ discovery requests are unduly burdensome, given the stage of the litigation.  
13 *Id.* at 11. Meta argues that it “should be shifting its attention and resources away from document  
14 production and toward depositions and expert discovery” rather than “be required to pull, search,  
15 and review additional documents, from additional custodians, using additional search terms.” *Id.*

## 16 I. Custodians

17 The SD Plaintiffs seek to compel Meta to identify relevant custodians for the Set A RFPs.  
18 They argue that Meta, as the party who is the target of discovery, is in the best position to identify  
19 the relevant custodians. *Id.* at 8. The SD Plaintiffs argue that Meta should not be allowed to  
20 refuse to disclose whether there are “additional” Meta employees who interacted with each  
21 bellwether school district and identify them as relevant custodians. *Id.* They stress that the Set A  
22 RFPs have been pending since July 2, 2024. *Id.* They argue that the “realities of the case  
23 schedule” warrant adding custodians. *Id.*

24 Meta argues that the Parties reached a global agreement on identifying custodians in May  
25 2024, under which Plaintiffs had the option to name twenty-seven additional custodians by May 7,  
26 2024 and an additional five custodians by August 30, 2024 (for a total of 127 custodians). *Id.* at  
27 10. Meta stresses that the MDL Bellwether SD Plaintiffs were selected in mid-May, and the Set A  
28 RFPs were served on July 2, 2024, which was well before the August 30, 2024 deadline for

1 Plaintiffs to name five additional custodians. *Id.* Meta complains that Plaintiffs added five  
2 custodians by that deadline but then raised this issue of an unspecified number of additional  
3 custodians specific to the Set A RFPs by letter two days later. *Id.* Meta argues that its document  
4 production includes 72,000 documents that “hit[]” on search terms relating specifically to schools  
5 (which resulted from the Parties’ search term negotiations) as well as organizational spreadsheets  
6 for Meta employees. *Id.* Meta states that, as of November 4, 2024, there are 1,654 documents that  
7 Meta has produced which hit on the disputed Set A proposed search terms (that is, documents that  
8 contain the names of the bellwether school districts). *Id.* at 11. Meta thus argues that the SD  
9 Plaintiffs have had opportunity and documents from which to identify the proposed “new”  
10 custodians and they could have included them in the final five added at the end of August. *Id.* at  
11 10. Meta states that two existing Meta custodians (referred to by initials as D.G. and L.C.) “are  
12 involved in Meta partnerships in the education space and/or had interactions with educators.” *Id.*  
13 at 12.

14 The SD Plaintiffs do not satisfactorily explain why they failed to include any custodians  
15 directed to the Set A RFPs in the final five custodians added at the end of August, or why the  
16 previously produced Meta documents (such as those which hit on the new proposed search terms  
17 or the other school-related search terms) were insufficient to help identify custodians. Nor do they  
18 explain satisfactorily why the two custodians specifically named by Meta (D.G. and L.C.) are  
19 insufficient or inadequate custodians for purposes of searching for documents responsive to the  
20 Set A RFPs. The SD Plaintiffs nowhere discuss why they were unable to identify from their own  
21 files and emails the names of Meta employees who interacted directly with each of the twelve  
22 bellwether school districts. Plaintiffs do not discuss their own diligence in trying to identify such  
23 directly communicating Meta employees from their own records (which could have begun as soon  
24 as the bellwether school districts were identified in May as at least a starting point for transparent  
25 and collaborative discussions). The SD Plaintiffs had at least some information (both from their  
26 own records and employees and from Meta’s earlier document productions) from which to at least  
27 propose custodians and engage in back-and-forth negotiations over identifying appropriate  
28 custodians, rather than simply demanding that Meta identify such custodians unilaterally. For

1 example, there is no indication that the SD Plaintiffs used the Meta employee directories to try to  
2 identify other Meta employees who worked with D.G. or L.C., or even tried to use LinkedIn or  
3 other public sources of information to identify other Meta employees who interacted with school  
4 districts. In light of the circumstances here, the Court finds that the SD Plaintiffs' demand for  
5 Meta to identify an unlimited number of additional custodians is duplicative (because two school-  
6 related custodians have already been identified) and disproportionate to the needs of the case.

7 **II. Search Terms**

8 The SD Plaintiffs seek to compel Meta to run one additional text string for each of the  
9 twelve MDL bellwether school districts directed at finding documents responsive to the Set A  
10 RFPs. *Id.* at 8. The additional search terms are the name of each bellwether school district and  
11 that school district's URL. *Id.*

12 Meta argues that Plaintiffs' request to add these new search terms now should be denied  
13 because the Parties negotiated and finalized search terms months ago. *Id.* at 11. Meta points out  
14 that those previously agreed upon search terms include dozens directed to schools and related  
15 terms, and thus when run against the documents of Meta's 127 custodians, "should capture any  
16 discussion of the [bellwether school districts] in relevant contexts." *Id.* There is no real dispute  
17 that the twelve new search terms at issue here are relevant—the primary dispute is whether adding  
18 these new search terms should be barred because the Parties had a finalized deal on search terms  
19 by the end of June 2024 and because adding new search terms is unduly burdensome at this late  
20 date.

21 As to burden, because the Court has concluded that there is insufficient cause shown to add  
22 more custodians for the Set A RFPs, the amount of burden is lessened significantly. There is no  
23 need for Meta to go find a new, previously unknown set of custodians to collect and process  
24 documents for the Set A RFPs.

25 In light of this mitigation of burden, the Court finds that running the twelve new search  
26 terms is both relevant and, as limited herein, proportional to the needs of the case. Meta **SHALL**  
27 use the twelve new search terms to search all documents for which either D.G. or L.C. is a  
28 custodian.

1 Notably, Meta states that “the Parties’ agreed upon list of 127 custodians includes *at least*  
2 two custodians, D.G. and L.C., who are involved in Meta partnerships in the education space  
3 and/or had interactions with educators.” *Id.* at 12 (emphasis added). This phrasing implies that  
4 there could be other such custodians. Accordingly, Meta **SHALL** promptly and expeditiously  
5 investigate and finally determine whether or not any of the other 125 named Meta custodians  
6 worked (or currently work) on “Meta partnerships in the education space and/or had interactions  
7 with educators” or if any of those other custodians worked (or currently work) with D.G. or L.C.  
8 on education-related matters. Meta notes that it has produced employee directories from which  
9 this information should be readily accessible. *Id.* at 10. Meta also has the option to make inquiry  
10 of D.G., L.C., or their managers and coworkers. Meta shall complete this investigation promptly,  
11 and if any other of the 125 custodians are identified in this process, Meta **SHALL**: (1) identify to  
12 the SD Plaintiffs who those custodians are; and (2) use the twelve new search terms to search the  
13 documents of those identified custodians. If Meta’s investigation confirms that there are no  
14 additional custodians, Meta **SHALL** inform the SD Plaintiffs immediately upon completion of the  
15 investigation.

16 Finally, because the Court is cognizant that there is a set of *non-custodial* ESI and  
17 documents which Meta has already collected for this case, Meta **SHALL** also run the twelve new  
18 search terms across the already collected non-custodial documents.

19 After running these twelve new search terms as ordered herein (both from D.G. and L.C.’s  
20 custodial files, as well as from any additional custodians identified after investigation, and from  
21 the non-custodial files), Meta **SHALL** process and produce all such non-privileged documents  
22 resulting from the searches promptly on a rolling basis. The Parties **SHALL** report on the status  
23 of the investigation as to custodians and the status of this document production at the November  
24 DMC.

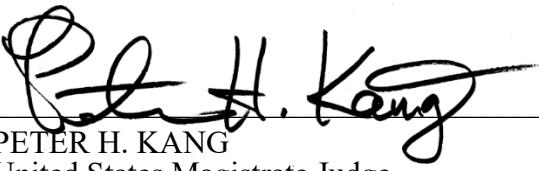
## 25 CONCLUSION

26 For the reasons discussed herein, the Court **GRANTS-IN-PART** and **DENIES-IN-PART**  
27 the SD Plaintiffs’ motion to compel Meta to identify new, additional custodians and to compel  
28 Meta to run twelve new search terms directed to finding documents responsive to the Set A RFPs.

1 This RESOLVES Dkt. 1314.  
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4 **IT IS SO ORDERED.**  
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7 Dated: November 12, 2024  
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11 PETER H. KANG  
12 United States Magistrate Judge  
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